

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 05-10113-DPW
)	
REYLANDO REYES)	

DEFENDANT'S MOTION IN LIMINE
TO EXCLUDE TESTIMONY AND ADMISSION INTO EVIDENCE
OF THE MARIJUANA, COCAINE, AND CURRENCY RECOVERED FROM DEFENDANT

Defendant, pursuant to Fed. R. Evid. 402, 404(b), and 403, hereby moves that the Court preclude the Government from introducing the fact that Mr. Reyes was found in possession of two small bags of cocaine, a bag of marijuana, and \$548.00 in U.S. currency at the time he was arrested by Boston police.

Testimony at the hearing on the Motion to Suppress in this case showed that Boston Police Officers Cogavin and Laham conducted a traffic stop of Mr. Reyes on February 27, 2005. Pursuant to the traffic stop, the officers searched Mr. Reyes and recovered two small bags of cocaine, a bag of marijuana, and \$548.00 in U.S. currency. Mr. Reyes is not charged with any crime pertaining to the possession of the above items. The above items do not have "any tendency to make the existence of" the fact that Mr. Reyes possessed ammunition any "more probable or less probable." Fed. R. Evid. 401.

The foregoing evidence is not relevant under Fed.R.Evid. 401 and therefore is not admissible pursuant to Fed.R.Evid. 402. In addition, the evidence is patently inadmissible under Fed.R.Evid.

404(b) and, moreover, is more prejudicial than probative.

Fed.R.Evid. 403. Defendant therefore moves that the two bags of cocaine, the bag of marijuana, and the \$548.00 in U.S. currency be precluded from evidence and any testimony regarding these items similarly be excluded.

REYLANDO REYES
By his attorney,

/s/ Stylianus Sinnis
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Certificate of Service

I, Stylianus Sinnis, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 18, 2006.

/s/Stylianus Sinnis
Stylianus Sinnis